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10 Attorneys for Non-Party
11 MICROSOFT CORPORATION
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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 EPIC GAMES, INC.,

Case No. 4:20-CV-05640-YGR

17 Plaintiff, Counter-
18 Defendant

**DECLARATION OF DAVID P.
CHIAPPETTA IN SUPPORT OF NON-
PARTY MICROSOFT'S
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF PROPOSED TRIAL
EXHIBITS**

19 v.
20 APPLE, INC.,

21 Defendant,
22 Counterclaimant.

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1 I, David Chiappetta, declare as follows:

2 1. I am a partner at the law firm Perkins Coie LLP and counsel to Microsoft Corporation,
3 which is not a party to the above-captioned case, and a member in good standing of the State Bar
4 of California. The facts stated in this declaration are based on my own personal knowledge and, if
5 called as a witness, I could and would testify to those facts.

6 2. Pursuant to Local Rule 79-5, I submit this declaration in support of Microsoft's
7 Administrative Motion to Seal Portions of Trial Exhibits.

8 3. We understand the parties intend to introduce exhibits at trial that reflect Microsoft's
9 confidential information. They have identified those documents to us, some as recently as this
10 morning.

11 4. On Friday, April 30, 2021, I spoke with counsel for Epic Games regarding Microsoft's
12 motion. Epic has communicated it consents to and supports Microsoft's motion to seal.

13 5. On Thursday, April 29, 2021, I spoke with counsel for Apple regarding Microsoft's
14 motion. Apple has communicated it consents to and supports Microsoft's motion to seal.

15 6. Given that the parties have not filed motions to seal third-party materials that have been
16 designated as trial exhibits, Microsoft is making this motion to protect its interests.

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18 I declare under penalty of perjury under the laws of the United States that the foregoing is
19 true and correct.

20 Executed this 30th day of April 2021 in Fresno, California.

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22 /s/ David Chiappetta
23 David Chiappetta

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